

File: S0350023

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April 6, 2007

Mary Ann Wright
Associate Director, Mining Assessment Conference Officer
Utah Department of Natural Resources
Division of Oil, Gas & Mining
1594 West North Temple, Suite 1210
P.O. Box 145801
Salt Lake City, Utah 84114-5801

Re: The violation MN 2006-03-09-01, T&M Mine, Salt Lake County, Utah,
S00350023

Dear Ms. Wright:

Please accept this correspondence as a formal request for an appeal of the Findings of Fact, Conclusions of Law and Order that you entered on March 23, 2007 in the above-referenced matter. After reviewing your findings and conclusions, it appears that the operator misrepresented the status of any on-going dialogue between Bluffdale City and may have the mining operator. Specifically, your second conclusion provided, "OGM was correct in having the permittee establish a dialogue with the City about this operation. The desired outcomes of discussion between the City and Operator are being achieved." Id. at 2. This letter is to inform you that there are not any on-going discussions between the city and the Operator, and that no such discussions have taken place since the Notice of Violation was issued!

We understand that the Notice of Violation was issued after we informed you in July of 2006 that T&M was operating mining activities in Bluffdale City without a city license and in violation of Bluffdale's zoning ordinances. Although the City Planner in Bluffdale resigned in September and was not replaced until November, the Operator could have met with the City Manager, the Mayor, the City Attorney, or any number of other individuals at the city. Had Bluffdale City been invited to participate in your January 30, 2007 informal conference as the complaining party, Bluffdale City would have notified you that there had been no attempt for a dialogue and that the Operator is willfully operating in violation of Bluffdale City ordinances. Moreover, despite the ongoing litigation referenced in your Findings, there is no Order from the Court that relieves the operator from complying with local license and zoning requirements. In contrast, the opposite is true and the district court's decision has been stayed. I would appreciate the opportunity of meeting with you informally on this matter, and/or asking your board to review this matter to consider revoking the permit or other measures.

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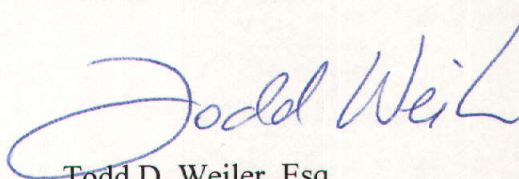
DIV. OF OIL, GAS & MINING

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In short, the issues giving rise to the Notice of Violation being issued last year have not been resolved. Bluffdale City is formally requesting OGM to not allow mining operations to continue until the operator can show its compliance with local statutes, rules, regulations and ordinances. We look forward to hearing from you.

Sincerely,

PARRY ANDERSON



Todd D. Weiler, Esq.
Counsel for Bluffdale City

LIGATURE WRITING

25% COTTON

